

Notice of Allowability

Application No.

10/628,354

Applicant(s)

PARSONS, MICHAEL S.

Examiner

Paul A. Chenevert

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to the Application filed 29JUL03.
2. The allowed claim(s) is/are 1-7 and 9-12.
3. The drawings filed on 29 July 2003 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 20030729, 20040511
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Marvin Townsend on 12MAY04.

3. The application has been amended as follows:

Page 8:

Line 5, "an" has been changed to --and--.

Page 10:

Line 6, --hinder the view of-- has been inserted after "which".

Page 16:

Line 20, --visible or-- has been inserted after "are".

Page 17:

Line 17, --visible or-- has been inserted after "are".

Page 19:

Line 8, --first-- has been deleted.

Page 37:

Line 16, "to bottom portion of FIG. 4" has been changed to --FIG. 4B--.

Page 38:

Line 7, "the top portion of FIG. 4" has been changed to --FIG.4A--.

Page 41 (see IDS filed 11MAY04):

Line 18, the following hyperlink has been deleted:

--http://www.cuminspower.com/library/specsheets/diesel_50hZ/DQKB_50Hz.pdf;--,

Line 22, the following hyperlink has been deleted:

--<http://www.goodyearotr.com/pdf/haulage.pdf>;--.

Page 42 (see IDS filed 11MAY04):

Line 3, the following hyperlink has been deleted:

--<http://hutnyak.com/HaulTrucks.htm>;--,

Line 7, the following hyperlink has been deleted:

--http://www.lhb.liebherr.de/pdf_us/T282-GB-US-TB.pdf;--,

Line 15, the following hyperlink has been deleted:

--<http://www.vlewis.net/page17a.html>;--.

Claim 1:

Line 28 (last line), --, and wherein said operator's cab is located at a medial position on said main frame along said main-frame longitudinal axis-- has been inserted after "cab".

Claim 6:

Line 3, --visible or-- has been inserted after "are".

Claim 8 has been deleted.

4. The following is an examiner's statement of reasons for allowance: the prior art does not show or make obvious Applicant's operator's cab located medial along the longitudinal axis of a dump vehicle.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. Chenevert whose telephone number is 703-305-0837. The examiner can normally be reached on Mon-Fri (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn D. Dayoan can be reached on 703-308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paul A. Chenevert
Examiner
Art Unit 3612

PAC

PAC
12MAY04

D. GLENN DAYOAN 5/13/04
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Attorney Docket No. 03-063
Serial No. 10/628,354
Applicant: Michael Parsons
Filing Date: July 29, 2003
Patent Technology Center 3600

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Other References

Examiner
Initials

The references include the following Internet pages:

PC

1. Cummins Power Generation: Specification Sheet - Generator Set Diesel - 2700hp; especially http://www.cumminspower.com/library/specsheets/diesel_50Hz/DQKB_50Hz.pdf; October 2002.

PC

2. Goodyear: Off-Roads Tires - Haulage Truck Tires; especially <http://www.goodyearotr.com/pdf/haulage.pdf>; October 2002.

PL

3. Hutnyak Consulting: Haul Truck Photos; especially <http://hutnyak.com/HaulTrucks.htm>; October 2002.

PL

4. Liebherr: Technical Description Mining Truck T 282; especially http://www.lhb.liebherr.de/pdf_us/T282-GB-US-TB.pdf; October 2002.

PL

5. Terex: TR-60 Off-Highway Truck - Specification Brochure; Form No 782, August 1998.

PL

6. Vince's Big Trucks: Information and pictures of large haulage trucks; especially <http://www.vlewis.net/page17a.html>; October 2002.

Examiner:

Paul Chenevert

Date Considered:

12 MAY 04